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THE EVOLUTION OF SLAVE STATUS IN AMERICAN DEMOCRACY

II

The story of the evolution of the status of the Negro in the North during the first part of the nineteenth century can be easily told as it was the result of forces the existence of which we have already suggested. By far the most important among these were economic and industrial. Lecky has said somewhere that the masses of men are influenced far more by the practical implications of daily life in the pursuit of their callings than they are by abstract ideas and this finds abundant illustration in the attitude taken by the northern mind upon the Negro. In Pennsylvania, where slavery existed in its mildest form and where the moral sentiment of the community was best prepared for its eradication, thanks to the persistent and effective campaign of education begun by the Quakers as early as 1688 and prosecuted under the leadership of such men as the saintly John Woolman and Benezet, economic interests still played a more important part than ethical.¹ Slavery flourished only where the plantation system was profitable and this was not the case in Pennsylvania. The industrial development of the State was in the direction of small farming, manufacturing and commerce, all of which were uncongenial to slavery. In the absence of paramount economic needs, slavery was unable to hold its own against the moral idealism of the Quaker and the racial antipathies of the German and the Scotch Irish.

Even in respect to New England the evidence is abundant that it was economic rather than moral or religious influences that paved the way to freedom for the slave. At the beginning it was the imperative demand for labor that

Turner, *op. cit.*, p. 14 ff.

led to the enslavement of the Indian and Negro, which the Puritan justified by an appeal to his high Calvinism. When this demand ceased because of the increase of white labor and when the diminished supply rendered it more difficult to get profitable slaves, the same economic laws tended to encourage the freedom of the slave.^{1a} "Fortunately for the moral development of our beloved colonies," says Weeden, "the climate was too harsh, the social system too simple, to engender a good economic employment of black labor. The simple industrial methods of each New England homestead, described in so many ways through these pages, make a natural barrier against an alien social system including either black or copper-colored dependents. The blacks soon dwindled in numbers, or dropped out from a life too severe for any but the hardiest and firmest fibered races."² When we see how during the constitutional convention of 1787 selfish economic interests led Massachusetts to enter into the unholy alliance with the pro-slavery States of the far South to fix upon another section of the country the nefarious slave-trade for twenty years longer, we may perhaps conclude that it was after all fortunate for the integrity of the Puritan conscience that slavery was unprofitable as a domestic institution. The slave-trade ended in 1808 and during the years 1806, 1807 six hundred New England slavers arrived at the port of Charleston alone.³

There seems to have been, on the whole, comparatively little express legislation in the way of constitutional changes and few express acts abolishing slavery in the North during this period.⁴ The process was a gradual one, proceeding by acts of manumission or gradual abolition, the act of Pennsylvania in 1780 being typical. Slavery does not appear to have ever been made illegal in Pennsylvania by express law but died out in the natural course of events.

^{1a} Moore, *op. cit.*, p. 10; Johnson, *op. cit.*, p. 18.

² "Economic and Social History of New England," 1620-1789, II, pp. 450, 451.

³ Dabney, "Defence of Virginia," p. 58.

⁴ Locke, *op. cit.*, Ch. V.

Hence slaves were found in this State well on toward the middle of the nineteenth century.⁵ This goes to show that the abolition of slavery and the admission of the Negro to complete citizenship were the result of a slow evolution of public sentiment. Moore even contends that slavery was never formally abolished in Massachusetts until 1866 when it was agreed on all hands that it was "considered as abolished."⁶ Thus the social mind, by a natural and normal development of democratic ideals, arrived unconsciously at the point where it was impossible to harmonize the status of the slave with the prevailing sentiments of the community. The social mind was for this reason often far in advance of the legal status of the Negro as determined by the laws which represented earlier stages of opinion. A case in point is the Massachusetts act of 1788, of which Moore says: "We doubt if anything in human legislation can be found which comes nearer branding color as a crime," and yet this law remained upon the statute books of the State long after it had ceased to be in accord with the feelings and practices of the community and was only repealed in 1834.⁷ The hesitancy of the legislators of the different free States to pass express acts of abolition and thus formally to pronounce slavery illegal may have been due in part to the fact that slavery was sanctioned to a certain extent by the constitution and was the "peculiar institution" around which centered the social and economic life of a large number of sister States.

The great industrial expansion of the North and West toward the end of the second decade of the century and the increase of population through immigration in time reduced the Negro in the North in point of number to an almost negligible factor. He was swept along with the rising tide of the growing industrial democracy and shared in the general benefits of citizenship accorded to all. But it would give a very superficial idea of the real status of the Negro

⁵ Turner, *op. cit.*, p. 87.

⁶ "Notes on the History of Slavery in Massachusetts," pp. 241, 242.

⁷ Moore, *op. cit.*, pp. 228 ff.

in the North during this time if we were to base our judgments upon the statistics of slave and free, the various acts for manumission or the vigorous anti-slavery agitation from 1830 on. A closer acquaintance with the actual conditions of the time shows that there was a striking contrast between the theoretical rights and privileges which the Negro was supposed to enjoy by virtue of the constitution and bills of rights and those he really did enjoy.

This was a subject of frequent remark by foreigners travelling in America. Captain Marryat, writing of conditions in Philadelphia in 1838, says, "Singular is the degree of contempt and dislike in which the free blacks are held in all the free states of America. They are deprived of their rights as citizens; and the white pauper who holds out his hand for charity . . . will turn away from a negro or colored man with disdain." ⁸ DeTocqueville, in a remarkable characterization of the relations between the races based upon his observations in the early thirties, says that as the legal barriers fall away in the free States those of race prejudice are drawn all the sharper. Wherever the freemen have increased the gap has widened between them and the whites. "The prejudice which repels the negroes seems to increase in proportion as they are emancipated, and inequality is sanctioned by the manners while it is effaced from the laws of the country. Though having the franchise the Negro may not exercise the right for fear of his life; ⁹ his rights before the law are pronounced upon by white judges only; his children may not attend the same school with the white's and gold can not buy a ticket for him in the same theater; he lies apart in the hospital, worships at a different altar and must bury his dead in a different cemetery." ¹⁰

Harriet Martineau, writing in 1834-35 and commenting upon the statement of a Boston gentleman that the Negroes

⁸ "Diary," p. 149.

⁹ No exaggeration! See Turner, "The Negro in Pennsylvania," pp. 146, 147.

¹⁰ "Democracy in America," I, pp. 361 ff.

were perfectly well treated in New England in the matter of education, the franchise, and otherwise, states that while they are nominally citizens, "yet their houses and schools are pulled down,"¹¹ and they can obtain no remedy at law. They are thrust out of offices, and excluded from the most honorable employments, and stripped of all the best benefits of society by fellow-citizens who, once a year, solemnly lay their hands on their hearts, and declare that all men are born free and equal, and that rulers derive their just powers from the consent of the governed."¹² Fanny Kemble, the English actress, writes in 1838-39 of the treatment of the free blacks at the North, "They are marked as the Hebrew lepers of old, and are condemned to sit, like these unfortunates, without the gates of every human and social sympathy. From their own sable color, a pall falls over the whole of God's universe to them, and they find themselves stamped with a badge of infamy of Nature's own devising, at sight of which all natural kindness of man to man seems to recoil from them. They are not slaves indeed, but they are pariahs; debarred from all fellowship save with their own despised race—scorned by the lowest white ruffian in your streets, not tolerated as companions by the foreign menials in your kitchens. They are free certainly but they are also degraded, rejected, the offscum and the offscouring of the very dregs of your society; they are free from the chain, the whip, the enforced task and unpaid toils of slavery; but they are not the less under a ban."¹³

There was in fact throughout this entire period a remarkable paradox in the social mind of the North with regard to the Negro, for we find everywhere the strongest antipathy to the Negro personally and general discriminations against him socially and politically, united with the greatest enthusiasm for his rights in the abstract. Even the best spirits of the time did not escape it. Fanny

¹¹ See Steiner, "History of Slavery in Connecticut," pp. 45 ff. for the famous instance of the Quakeress, Miss Prudence Crandall, and her school.

¹² "Society in America," I, pp. 193-196.

¹³ "Journal of a Residence on a Georgian Plantation," p. 11.

Kemble relates of John Quincy Adams, who became the very head and front of the anti-slavery element in Congress,¹⁴ that while discussing with her at a Boston dinner-party the Shakspearean heroine Desdemona, he asserted "with a most serious expression of sincere disgust, that he considered all her misfortunes as a very just judgment upon her for having married a 'nigger.'" ¹⁵ About the time when Garrisonian abolition was at its high tide, when Wendell Phillips was placing Toussaint l'Ouverture above Caesar and Napoleon on the roll of fame, when Whittier, Longfellow, and Lowell were lending their talents to the cause of unalterable and inalienable rights of mankind, Jesse Chickering published a "Statistical View of the Population of Massachusetts from 1765 to 1840," at the end of which he appended some very interesting facts and conclusions as to the colored population of this State. He stated that, owing partly to their race traits and partly to fixed and immovable prejudices of the whites against them, the blacks are deprived of sympathy and social enjoyments and reduced to a servile and degraded condition of poverty and dependence (p. 137). Because of this widespread prejudice against their color, "they cannot obtain employment on equal terms with the whites, and wherever they go a sneer is passed upon them, as if this sportive inhumanity were an act of merit. . . . Thus, though their legal rights are the same as those of the whites, their condition is one of degradation and dependence." In spite of the vigorous agitation for the rights of the Negro which stirred New England and the entire nation at this time, the writer says "the prejudices which are now felt in this Commonwealth against the people of color and the disadvantages under which they labor . . . we can hardly expect will soon be removed," though he is persuaded that "this want of true sympathy, and this sense of degradation, must operate on their sensibility and unfavorably affect their physical, moral, and social condition, and shorten to them the duration of life" (pp. 156, 157).

¹⁴ Hart, "Slavery and Abolition," pp. 256 ff.

¹⁵ *Journal*, p. 86.

The anti-slavery movement in Pennsylvania never went to the rhapsodical extremes we find in Massachusetts. It was from beginning to end sane and reasonable and yet vigorous and unremittent. Nevertheless, we find the same enthusiasm for the rights of the Negro in the abstract combined with racial antipathy, social and political discriminations, and even on more than one occasion mob violence in the actual treatment of the Negro population of the State.¹⁶ Pennsylvania's interest in slavery, because of her position just to the north of slaveholding States, was never allowed to lag even after she had set all her slaves free. Her Negro population was constantly being replenished from the South and largely by fugitive slaves. This brought about much friction with Maryland, owing to the unwillingness of Pennsylvanians to surrender the runaways. In spite of Federal law the spirit of freedom made it unsafe for owners to hunt for their escaped slaves in Pennsylvania, as the famous Christiana riot of 1851 shows, and brought the State to the verge of nullification,¹⁷ to such extremes were a peaceful and yet liberty-loving people ready to go in their championship of the abstract rights of the oppressed slave.

But while this was true, there is abundant evidence to show that by the masses of the people the Negro was thoroughly disliked, persecuted and relegated to an inferior social status by no means in harmony with the doctrine of the inalienable and unalterable rights of man. Negroes were set upon in the streets, beaten, cut and even stoned to death in sheer wanton cruelty. In 1831 the refusal of New Haven, Connecticut, to establish a Negro college was enthusiastically endorsed in resolutions passed at a public meeting in Philadelphia, and in 1834, 1835, 1838, 1842 and 1849 this city was distracted by riots directed against the Negroes. The houses of the Negroes were sacked, their inmates beaten and mobs of whites and blacks fought through the streets with clubs and stones.¹⁸ "A careful study of each of these

¹⁶ See Turner's excellent account, "The Negro in Pennsylvania," Chs. IX-XIII.

¹⁷ Turner, pp. 242, 245.

¹⁸ *Ibid.*, pp. 160 ff. for details.

riots," says Turner, "makes inevitable the deduction that the deep underlying cause which made every one of them possible, and which prepared them long before they burst forth, was a fierce, and at least among the lower classes, an almost universal, hatred of the negro himself."

How are we to explain this contradiction in dealing with the Negro? Why did Pennsylvanians mob him, disfranchise him from 1838 to 1873, seek to get rid of him by colonization and yet hide him from his master and resolutely refuse to close to him the door of freedom even in the face of Federal laws? The answer is one of fundamental importance for the comprehension of the status of the Negro in the social consciousness of the nation now as well as then. The people of Pennsylvania had been educated for generations in the great traditions of freedom. These traditions had their roots in the religious emancipation of the reformation and gradually extended to the political sphere and became endeared to the hearts of all Americans through the struggle with Great Britain. Pennsylvanians had little special love for the Negro but they loved these traditions dearly. In a healthy democracy these traditions are inseparably united in the thought of the average citizen with the personal sense of liberty. To violate them is to violate that which lends validity to his own conviction of his right to be free.

It will be said, of course, that in the social and political restrictions placed upon the Negro as an actual member of the community, these lofty ideals were negated. Rights that are granted in theory but are denied in the actual give and take of social contacts are not true rights. This was undoubtedly the case. But to register this criticism does not by any means exhaust the situation. For these so-called inalienable rights are not something that the individual is born heir to as he is to his father's fortune. They are his inalienably only by virtue of his potentiality for realizing them and as such they exist only as possible forms of self-activity, functions which by common consensus of opinion are conceded to each individual. In a very real sense, there-

fore, they must be won or created by each for himself. The individual or the group, which through ignorance or inefficiency or thriftlessness or racial discrimination is incapacitated for measuring up to the demands of an aggressive and virile democracy, will inevitably find these inalienable and unalterable rights merely a name so far as they are concerned. Actual social status in existing American democracy is the result of a balance of forces one of which is the individual's power of self-assertion. In *der Kampf um's Recht* the community imagines it has done its utmost when it insists upon fair play. There was also the inevitable friction due to the close contact of diverse race groups. The Negro population of Pennsylvania was larger than that of any other northern State. The presence of thousands of members of a different race, to whom complete social assimilation through intermarriage was refused, and who represented different standards of living and lower industrial efficiency, led inevitably to group conflicts.

Just on the eve of the Civil War, therefore, the theoretical status assigned the Negro in the social consciousness of the North and the one very soon to be assured to him throughout the entire nation in Lincoln's emancipation proclamation, insisted that he be included in those broad and somewhat indefinite categories of rights embodied in our national political symbols. The enthusiasm for these is to be explained not so much from the objective and eternal nature of the rights themselves as from the feeling that they represent a phase of common social experience of fundamental importance for society as a whole. Previous training in democratic traditions made men capable of the noblest self-sacrifice in their loyalty to these ideas of freedom and equality, but the fact of their being associated with the enslaved Negro was accidental. No sooner had they assisted the runaway slave to freedom than they forgot him. He was left to make good in the autonomous, *laissez faire* atmosphere of a vigorous democracy. Soon, however, his economic helplessness and inefficiency, his ignorance of the

tense northern life aroused the same men who had helped him to freedom to the realization that he was of an alien race, with characteristics that made his social assimilation difficult. Where the blacks were present in large numbers the situation was fraught with the gravest difficulties of social adjustment. These were facts not encouraging for the future of the two races in the nation. They should have taught men that emancipation, instead of solving the problem, would plunge the nation and particularly the South into a situation the infinite difficulties of which were never dreamed of by the enthusiastic champions of abstract human rights. DeTocqueville's language, though written almost thirty years before the *débâcle* came, sounds like a veritable prophecy. He felt that national abolition was bound to come in the course of events. "I am obliged to confess," he says however, "that I do not regard the abolition of slavery as a means of warding off the struggle of the two races in the United States," for abolition will inevitably "increase the repugnance of the white population for the men of color."¹⁹

It is well to remember, when we come to examine the status of the Negro in the slave States, that slavery would naturally follow lines of development determined by the economic, social and climatic conditions of the sections concerned. These conditions, of course, vary greatly throughout a region stretching from Maryland to Texas. As late as the famous Dred Scott case, when slavery was limited to the South, Justice Curtis could say, "the status of slavery embraces every condition from that in which the slave is known to the law simply as a chattel, with no civil rights, to that in which he is recognized as a person for all purposes, save the compulsory power of directing and receiving the fruits of his labor. Which of these conditions shall attend the status of slavery, must depend upon the municipal law which creates and upholds it."²⁰ A comparative study of the legislation of all the slave States with regard to the

¹⁹ "Democracy in America," I, pp. 379 ff.

²⁰ 19 Howard's R., p. 624, quoted by Hurd, "Law of Freedom and Bondage," I, p. 358, see also pp. 321 ff. of Hurd.

Negro both as slave and free will very clearly reveal the effect of these varying conditions in the several States concerned.²¹ Nothing is more necessary to a calm and unprejudiced study of the institution of slavery than the realization of this fact.

What then were the economic, climatic and social conditions in the South which contributed to shape the attitude of the social mind of the section toward the Negro? The dominant feature of the social and economic life of the South of ante bellum days was the plantation. This was the industrial unit comprising usually large land areas, worked by slaves divided into groups, under strict supervision, with a fixed routine of labor in the production of special commodities such as tobacco, rice, sugar-cane or cotton. Two types of plantation life developed even before the Revolution, the Virginian and the West Indian, the latter confined at first to the coast line of South Carolina and later covering the "Black Belt" of the far South. The term "plantation" was originally synonymous with colony. Virginia was the "plantation of the London Company"²² but was later broken up into smaller economic units which retained the name. By the beginning of the eighteenth century the prevailing industrial system in Virginia and Maryland was these small plantations or farms where Negro slaves gradually took the place of white redemptioners and the prevailing staple was tobacco. About the end of the seventeenth century the Jamaican or West Indian type of plantation was introduced on the coast region around Charleston. It consisted of larger estates cultivated by thirty or more slaves, with few or no white laborers, the master and his family often being the only whites present the year around. Fanny Kemble's "Journal of a Residence on a Georgian Plantation," 1838-39, gives an interesting though somewhat sombre picture of the conditions prevailing on the rice plantations near Darien, Georgia.

²¹ Hurd, I, pp. 217 ff., for the colonial legislation and II, Chs. XVII, XVIII, XIX, for subsequent legislation in the different states and territories.

²² "Documentary History of American Industrial Society," I, p. 75.

Slavery, as an industrial institution, has flourished only in countries with great natural resources, easy of access and affording ready means of sustenance. The crops cultivated must be simple, such as tobacco, rice or cotton, and hence admitting of easy mastery by the slave as well as the efficient organization and direction of gangs of laborers. The soil must be very fertile and unlimited in extent to assure a profit on the unskilled routine labor of the slave, which makes rotation of the crops impossible and soon exhausts the soil so that the worn out lands must be abandoned for new. The industrial cycle passed through by the great slave-estates of the West Indies finds a parallel in the South, where the speedy exhaustion of a fertile soil with the resulting necessity for a more scientific and intensive agriculture, impossible under slavery, forced slaveholders to open up new lands constantly. Hence the insatiable land hunger of the slave power.²³

There is evidence that at the end of the colonial period the older lands of Virginia and Maryland, where slavery and the plantation system had long existed, were approaching a period of decay. This was the logical result of slavery. An industrial readjustment was taking place involving the decline of the plantation system and with it the decline of slavery. It was at this juncture that the fate of slavery, and with it the destiny of the entire southwestern region, was determined by a new factor, namely, the rise of the cotton culture. But for the invention of the cotton-gin, and the improvements in cotton manufacture that accompanied it, the economic forces already militating against the patriarchal form of slavery in Virginia would doubtless have brought about in time its peaceful abolition. As it was, these discoveries created an industrial basis for the fostering of slavery more dangerous than any pro-slavery legislation had been and more sweeping and insidious than anti-slavery agitators could possibly imagine. It opened up for

²³ "Documentary History of American Industrial Society," I, p. 91. See also Cairnes, "The Slave Power," pp. 52 ff.; Nieboer, "Slavery as an Industrial System," pp. 417 ff.

the cultivation of the cotton plant the vast fertile region extending from eastern North Carolina through South Carolina, middle Georgia and Alabama to Mississippi, Louisiana and Texas.²⁴ Here were found all the conditions mentioned above as necessary to the success of slavery.

Within this vast region, however, there were variations of climate and soil which made certain sections better adapted to slavery and the plantation system than others. Between the foothills just to the south of the Appalachian mountains and the flat sandy levels of the sea coast lay a central rich alluvial region called the "black belt" at first after the color of its soil and later after the color of the majority of its inhabitants. This section was peculiarly well suited to the growth of the cotton plant and here, after the pell-mell of immigration which poured into the southwest with the development of cotton culture began to take on the forms of a fixed social order, arose those large cotton plantations which were the central feature of southern antebellum civilization. The "black belt" included virtually the whole of South Carolina, a strip through central Georgia and south-central Alabama and the rich alluvial lands along the Mississippi and Red rivers in the States of Mississippi and Louisiana. Here the large plantations gradually absorbed the lands of the frontiersmen and small farmers who had preceded them and spread over all the lands where the gang labor of the slave system could be prosecuted with profit.²⁵

This slave aristocracy of the "black belt," which determined the social standards and shaped the morals and directed the political policies of the South, was composed of a few powerful families who through their wealth, social standing and talents for leadership controlled the destinies of a vast section. Perhaps 500,000 out of a total white population of 9,000,000 profited by slavery in 1860, but out of this

²⁴ For an account of the growth of the cotton industry see Baines, "History of the Cotton Manufacture," pp. 116 ff. See also DuBois, "Suppression of the Slave Trade," pp. 151 ff.

²⁵ Phillips, "Origin and Growth of the Southern 'black belts,'" pp. 798 ff., Vol. XI of *The American Historical Review*.

number some ten thousand families, including such familiar names as Hampton, Rutledge, Brooks, Hayne, Lee, Mason, Tyler, Wise, Polk, Breckenridge and Claibourne, really determined the policies of the South.²⁶ Beneath the slave aristocracy were ranged the other elements of society. First among these came the small farmers, often owning a few slaves. Though having occupied the land first, they were gradually crowded out by the competition of the large slaveholders, who bought up their lands and forced them to occupy the foothills to the north of the "black belt" in Georgia, Alabama and Mississippi which were ill adapted to the plantation slave system. Next came the thriftless and impecunious whites, variously known as the "pine-landers" and "crackers" in Georgia, the "sand-hillers" of South Carolina, or the "red-necks" of Mississippi. The lowest stratum was composed of slaves with a slight intermixture of free Negroes.

Bagehot remarks that slavery "creates a set of persons born to work that others may not work, and not to think in order that others may think. Therefore, slave-owning nations, having time to think, are likely to be more shrewd in policy, and more crafty in strategy."²⁷ This is amply illustrated in the case of southern leaders. The sons of the slaveholders received the best education the land could afford; the plantation life gave a training in administration and leadership and with leisure and natural political talent they looked to public life for advancement. Those who showed ability in local or State governments were advanced to the House or Senate so that by a process of natural selection the slave-power at the South was able to develop leaders, who not only moulded the public sentiment of the South itself but shaped the policies of the nation for the better part of half a century.²⁸

Thus, by a slow process of evolution, was built up in the

²⁶ Hart, "Slavery and Abolition," pp. 67 ff.

²⁷ "Physics and Politics," p. 73, ed. of 1896; Ingram, "History of Slavery," p. 5.

²⁸ Rhodes, I, pp. 347 ff.

"black belt" of the South an industrial empire, based upon slavery, nominally democratic, but in reality an oligarchy composed of a group of talented men, united in their traditions, social standards and political ideals by virtue of their common loyalty to the "peculiar institution" of their section. It was democratic within its own limits, chivalrous, cultured although it cherished ideals essentially at variance with democratic institutions and bound in time to give birth to a social consciousness that was incompatible with that entertained by the rest of the nation. When the slave-power was defeated at the polls in the election of 1860, secession was the logical result.

The status of the Negro, both slave and free, was intimately associated with this economic development of the far South. There is much to indicate that the entire South gradually underwent a profound change of attitude towards slavery in the three decades from 1800 to 1830. Slavery was generally looked upon as an evil by the southern leaders of the time of the constitutional convention and for two decades afterwards, perhaps. Mason of Virginia in the debates of 1787 stated that slavery discouraged the arts and manufactures, prevented immigration of whites, exercised a most pernicious effect upon manners, made every master a petty tyrant and would bring the judgment of heaven down upon the country. Baldwin, speaking for Georgia, said that "If left to herself, she may probably put an end to the evil."²⁹ Jefferson's expressions against slavery were many and pronounced,³⁰ and there is reason for thinking that these ideas were shared by many even in the far South. An editorial in the *Milledgeville Journal* of Georgia, January 1, 1817, has this remarkable language: "With such a hint from a distinguished philosopher (*i. e.*, Jefferson), shall we not merit execration, if we fail to provide in time an adequate remedy for this great and growing evil, an evil which is

²⁹ Livermore, "An Historical Research Respecting the Opinions of the Founders of the Republic on Negroes as Slaves, as Citizens, and as Soldiers," pp. 56 ff.

³⁰ Foley, "The Jeffersonian Cyclopedia," secs. 7926 ff.

always staring us in the face—which obtrudes so frequently upon us in spite of ourselves, the most gloomy and awful apprehension.”³¹ As late as 1826, when Edward Everett, of Massachusetts, asserted before the House that slavery was sanctioned by religion, John Randolph, of Virginia, himself a slaveholder, replied: “Sir, I envy neither the head nor the heart of that man from the North who rises here to defend slavery from principle.”³²

Apparently the first assertion of the usefulness and beneficence of the institution from a southern man of political repute came from the governor of South Carolina in 1830.³³ How then are we to explain the profound change of sentiment indicated by the leading papers of the South just before the war? *The Richmond Enquirer*, September 6, 1855, asserts: “Every moment’s additional reflection but convinces us of the absolute impregnability of the Southern position on this subject. Facts, which can not be questioned, come thronging in support of the true doctrine—that slavery is the best condition of the black race in this country, and that the true philanthropists should rather desire that race to remain in the state of servitude, than to become free with the privilege of becoming worthless.” *The Richmond Examiner*, 1854, advises all southern men to act “as if the canopy of heaven were inscribed with a covenant in letters of fire that the negro is here, and here forever; is our property and ours forever; is never to be emancipated; is to be kept hard at work, and in rigid subjection all his days.”³⁴ *The Daily Intelligencer*, of Atlanta, January 9, 1860, states editorially: “Whenever we see a negro, we presuppose a master and if we see him in what is commonly called a ‘free state’ we consider him out of his place. This matter of manumission, or emancipation, now thank heaven less practiced than formerly, is a species of false philanthropy, which we look upon as a cousin german to Abolitionism—bad

³¹ “Documentary History of American Industrial Society,” II, p. 158.

³² Greeley, “The American Conflict,” I, p. 109.

³³ Stroud, “A Sketch of the Laws relating to Slavery,” p. vi.

³⁴ Quoted by Olmsted, “Seaboard Slave States,” I, pp. 334, 335.

for the master, worse for the slave." Calhoun pronounced slavery "the most solid and durable foundation on which to rear free and stable political institutions."³⁵ Hammond claimed, in a eulogy of slavery in the Senate, March 4, 1858, that its "frame of society is the best in the world." Jefferson Davis defended it as "a form of civil government for those who by nature are not fit to govern themselves";³⁶ Mason, a descendant of the great Mason of revolutionary days, described it as "ennobling to both races."³⁷

It is useless to try to explain these statements by attributing to their authors moral perverseness; the explanation must be sought in the conditions that surrounded them. We have already alluded to the fact that our moral conceptions are absorbed from the social milieu in which we are reared. The prevailing ideals of family, business, the social, political or national group of which we happen to be members we absorb as part of our "social copy" and build into the fabric of our social selves. The larger the group and the more vital any given ideal is considered by the group as a whole the greater will be its hold upon the loyalty of the individual member. Everything conspired to give to the social sanction of the slave-aristocracy an authoritative-ness and binding force without a parallel in the history of the nation. Upon the basis of the slave as the industrial unit was reared in the course of years a mass of *mores* which conditioned the entire world-view of the slave-owner. Economic methods, social differentiations, political institutions, religious ideals, moral values, local patriotism and pride, all took their color from the "peculiar institution" of the section. To question its validity or to deny its divine authority was to threaten the entire social order with an *Umwertung aller Werthe* that to the southern mind was unthinkable. The increase of the slave population and the ever widening gap between white and black made it all the harder for the white to consider schemes for emancipation or manumission

³⁵ "Wks.," II, 632.

³⁶ Speech in Senate, Feb. 29, 1860.

³⁷ *Cong. Globe*, 39 Cong., 1st Session, pp. 557, 596.

which meant economic and social chaos. The weight of accumulated traditions, the hardening of social habits and even the constantly increasing economic handicaps of the ruinous slave-labor made any change more difficult and dangerous. Many, who would gladly be rid of slavery, found themselves in the predicament described by Jefferson, "We have the wolf by the ears, and we can neither hold him, nor safely let him go." ³⁸

The status of the slave was determined directly by the rise of the slave-power and on the whole shows, as was to be expected, a tendency to treat the slave more and more as a chattel or, as Aristotle would say, a "living tool." The general drift of the slave codes of the various southern States was to negate the personality of the slave and to fix his status as a part of an industrial system. The earliest of the slave laws to be passed were of the nature of police regulations, restricting the personal liberties of the blacks.³⁹ Of peculiar interest are the laws with regard to emancipation and the status of the free Negro, for the latter was a standing rebuke to slavery and a fruitful source of discontent among the slaves. In 1822 a Charleston writer says, "We look upon the existence of the Free Blacks among us as the greatest and most deplorable evil with which we are unhappily afflicted. . . . Our slaves when they look around them and see persons of their own color enjoying a comparative degree of freedom and assuming privileges beyond their own condition, naturally become dissatisfied with their lot, until the feverish restlessness of this disposition fomented itself into insurrection and the 'black flood of long retained spleen' breaks down every principle of duty and obedience." ⁴⁰

As early as 1800 South Carolina prohibited free Negroes and mulattoes from entering the State. In 1822 they were required to have a guardian and in 1825 were forbidden the

³⁸ Foley, "Jeffersonian Encyclopedia," sec. 7933.

³⁹ Hurd, *op. cit.*, II, pp. 5, 83, 105, 150, etc.

⁴⁰ E. C. Holland, "A Refutation of the Calumnies Circulated against the Southern and Western States Respecting the Institution and Existence of Slavery among Them," p. 83, Charleston, 1822.

use of firearms. By an act of 1841 emancipation of slaves was made unlawful and in 1860 free Negroes were required to wear badges with their name and occupation.⁴¹ In many States emancipation was made unlawful and in Arkansas by an act of 1858 all free Negroes and mulattoes were required to leave the State or be sold as slaves.⁴² About 1830, and probably as a result of abolition activity, acts were passed in practically all the southern States prohibiting even the elementary forms of education to the slave and placing heavy penalties upon whites who violated it. Thus the status of the free Negro tended always to approximate that of the slave. Moreover, a study of the evolution of the slave codes of each State shows a gradual narrowing of the sphere of the slave and a general drift towards the principle expressed in South Carolina law that "Slaves shall be deemed, sold, taken, reputed and adjudged in law to be *chattels personal* in the hands of their owners and possessors and their executors, administrators and assigns, to all intents, constructions and purposes whatsoever."⁴³

So far then as the relations of master and slave went, the law gave the former complete control over the slave's time and labor, his food and clothing, punishment, together with the right to turn him over to an agent or sell his labor. The slave had no property rights in law, could be sold, mortgaged, leased or disposed of in payment of debt; the slave could not be party in a legal action against his master, could not redeem himself, change his master or make a contract. His status was hereditary and perpetual both for himself and his children. In his civil status no slave could be a witness against a white or be a party to a suit; he was deprived of the benefits of education and in some States of religious instruction also.⁴⁴ The actual status of the slave was, of course, subject to the varying conditions of the different sec-

⁴¹ Hurd, *op. cit.*, II, 95 ff.

⁴² *Ibid.*, II, 174.

⁴³ Stroud, *op. cit.*, p. 11; see also Olmsted, "The Cotton Kingdom," II, 92, and Rhodes, I, p. 369, for similar statements to the effect that the slave was personal property.

⁴⁴ Stroud, *op. cit.*, pp. 12, 44.

tions of a wide area of country, the status of the slave on a Virginia or North Carolina farm being very different from that of the field hand on a sugar or cotton plantation of the far South. The slaveholders also were to a very large extent a law unto themselves. "On our estates," says DeBow, "we dispense with the whole machinery of public police and public courts of justice. Thus we try, decide, and execute the sentences in thousands of cases, which in other countries would go into the courts."⁴⁵ Fanny Kemble describes how she made use of this autonomous position of the slaveholder on her own plantation to teach her slave Aleck to read in violation of the law.⁴⁶ This explains the great extremes in southern slavery and the mistakes of writers who judge the institution as a whole by extreme cases.^{45a}

Our conclusion as to the effect upon the Negro himself of slavery will depend largely upon whether we stress his previous savage estate and the gain made through contact with a superior civilization or the inherent evils of slavery itself and their effect upon his character. That the transition from African savagery to slavery was a gain for the Negro in many respects will hardly be denied.⁴⁷ The field hand of the plantation of the far South doubtless retained many of his most primitive savage traits. Olmsted, an unprejudiced observer, describes him as on the average a very poor and a very bad creature, "clumsy, awkward, gross and elephantine in movement . . . sly, sensual and shameless in expression and demeanor." "He seems to be but an imperfect man, incapable of taking care of himself in a civilized manner, and his presence in large numbers must be considered a dangerous circumstance to a civilized people."⁴⁸ And yet he testifies that slavery improved the African Negro.⁴⁹

⁴⁵ "Industrial Resources," II, 249, quoted by Hart, "Slavery and Abolition," p. 112.

^{45a} This varying attitude of the master class has been extensively treated by C. G. Woodson in his "Education of the Negro Prior to 1861."

⁴⁶ *Journal*, pp. 230 ff.

⁴⁷ Tillinghast's "The Negro in Africa and America," pp. 106 ff.

⁴⁸ *Op. cit.*, II, pp. 12, 13.

⁴⁹ II, pp. 108, 118.

The most beneficial effects were noticeable where the slave came in constant contact with the whites. For this reason the household slaves manifested a degree of intelligence and initiative far above that of the untutored field hand; this contact with the white was in effect an involuntary education. This appeared even in dress. "For though their own native taste," says Kemble, "is decidedly both barbarous and ludicrous, it is astonishing how very soon they mitigate it in imitation of their white models." The mulattoes in Charleston were often as well dressed as the whites.⁵⁰ The best witness to the benefits derived from slavery was the fact that for a generation after emancipation the older Negroes who received their training under the old regime made the most faithful and consistent laborers when set free.⁵¹

There were, however, other effects of slavery which offset its advantages. The slave had no true home life and without this it is impossible to train personality and character. The father felt no responsibility for children that were not really his but his master's. The mother merely discharged the animal functions of bearing and rearing the child, all the finer instincts of motherhood being prostituted to a selfish commercial end. The slave-mother, of course, did not feel the pathos of the situation when pointing to her children she said: "Look missis! little niggers for you and massa; plenty little niggers for you and little missis." The slave lived perpetually in an atmosphere of fawning and flattery by no means conducive to the development of independent manhood either in himself or his master. Being outside those social sanctions which keep the free man honest and trustworthy he was often guilty of petty theft and deceit and the law recognized the logical results of his status upon his character by refusing to take the word of a slave against a freeman. The slave had no social standing and no respect for himself or his fellow slaves and hence

⁵⁰ *Journal*, pp. 25, 44, 180; Olmsted, "Seaboard Slave States," I, p. 390.

⁵¹ B. T. Washington, "Future of American Negro," pp. 54 ff. for a negro's witness to industrial training acquired in slavery.

exercised unbounded insolence and tyranny towards his fellows. This gave to the social intercourse between slaves a flavor of vulgarity and insincerity utterly incompatible with the development of the finer instincts of personality.⁵²

The essential injustice of slavery lies in withholding the legitimate use of those means for self-development which are the inalienable right of every creature born with potentialities for personality. It becomes a national crime when the public conscience in any age recognizes in a group or an individual potentialities for the exercise of rights or the discharge of social functions with a rational regard for the well-being of society as a whole, and yet through powerful class interests refuses to give legal recognition to those rights. The paradox of the slaveholder's position and the fundamental injustice of it appear even in the slave codes and the arguments used in defense of the "peculiar institution." The slave codes treated the slave in one clause as a chattel, an irrational thing, and yet proceed to embody in the same code regulations against learning to read and write, theft, and murder, thus acknowledging that the slave is both rational and moral. Laws against teaching slaves were passed in South Carolina in 1834, in Georgia, 1829, Louisiana, 1829, Alabama, 1830 and Virginia, 1849.

As a result of this negation of his personality the slave thought and acted solely in terms of the social mind of the white. Hence the prevailing idea of the slave, "massa can do no wrong."⁵³ The slave had no social consciousness, no ethical code apart from that of the white master; his self-determining powers of personality had no scope for expression or development. He looked down with infinite scorn upon the "poor white trash" which had no entrée into his master's circle and he pitied the free Negro because his lack of a master gave him no social standing. To have a Negro overseer was a disgrace. Olmsted overheard the following conversation between two Negroes: "Workin' in a tobacco factory all de year roun', an' come Christmas, only twenty

⁵² Kemble, *op. cit.*, pp. 60 ff., 29, 134, 153, 239, 263.

⁵³ Lewis, "Journal of a West India Proprietor," 404.

dollars! Workin' mighty hard too—up to twelve o'clock o'night very often—*an' den to hab a nigger oberseah!*” “A nigger!” “Yes dat's it yer see. Wouldn't care ef it warn't for dat. *Nothin' but a dirty nigger! orderin' 'round, jes' as ef he was a wite man.*”⁵⁴ To be sure, on the basis of this submerged status of the slave, ties of the greatest intimacy and affection often grew up between master and slave. But the slave's personality was absorbed by that of his master. Petty thefts, deceits and delinquencies of the slave were excused because it was all in the family. The master even felt his slave's acts to be morally his own and condoned them as he would his own foibles. It should never be forgotten that when the Negro made the transition from the artificial and quasi-social status of the slave to a free democratic order, where individual worth and social efficiency determine one's place in society, he was like a child taught to swim with bladders and suddenly deprived of them.

“Jove fixed it certain, that whatever day
Makes man a slave, takes half his worth away.”

JOHN M. MECKLIN.

⁵⁴ *Op. cit.*, I, p. 114.